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*Pro Bono Counsel Referred via the
 Legal Aid Center of Southern Nevada*
 for Plaintiff GREGORY MAY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GREGORY MAY,

Plaintiff,

v.

WILLIAM A. GITTERE, in his
 individual and official capacities;
 THERESA WICKHAM, in her individual
 and official capacities;
 MARTIN NAUGHTON, M.D., in his
 individual and official capacities;
 BRIAN WILLIAMS, in his individual
 and official capacities;
 JENNIFER NASH, in her individual and
 official capacities;
 CASEWORKER HAMMELL, in his/her
 individual and official capacities;
 MONIQUE HUBBARD-PICKETT, in
 her individual and official capacities;
 THOMAS HINCKLE, in his individual
 capacity;
 C/OT A. RODRIGUEZ also known as
 AMANDA ARIAS, in her individual
 capacity;
 TIMOTHY HULSEY, in his/her
 individual capacity;
 COREY ROWLEY, in his individual
 capacity;
 CHRISTOPHER MILLER, in his

Case No.: 2:19-cv-00161-RFB-VCF

**STIPULATION AND ORDER TO
 SUBSTITUTE DEFENDANT
 FREDERICK HAMMEL IN
 PLACE OF DEFENDANT
 CASEWORKER HAMMELL**

individual capacity;)
 STEFFEN MOSKOFF, in his individual)
 capacity;)
 DAMIEN ROBINS, in his individual)
 capacity,)
)
 Defendants.)

Plaintiff Gregory May, by and through his counsel, Angela H. Dows, Esq., and Defendants Scott Mattinson, Stephen Moskoff, Jennifer Nash, Martin Naughton, Corey Rowley, Theresa Wickham, and Brian Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Alexander J. Smith, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby submit their Stipulation and Order to substitute in served Defendant Frederick Hammel in the place and stead of Defendant CASEWORKER HAMMELL pursuant to Fed. R. Civ. P. 17 and Fed. R. Civ. P. 4.

Dated this 3rd day of March, 2021.

Respectfully submitted,
/s/ Angela H. Dows
 ANGELA H. DOWS, ESQ.
 1333 N. Buffalo Drive, Suite 210
 Las Vegas, Nevada 89128
Pro Bono Counsel Referred via the
Legal Aid Center of Southern Nevada
 for Plaintiff GREGORY MAY

1 **I. APPLICABLE LAW**

2 Fed. R. Civ. P. 17(a)(3) provides:

3 (3) *Joinder of the Real Party in Interest.* The court may not dismiss an
4 action for failure to prosecute in the name of the real party in interest
5 until, after an objection, a reasonable time has been allowed for the
6 real party in interest to ratify, join, or be substituted into the action.
7 After ratification, joinder, or substitution, the action proceeds as if it
8 had been originally commenced by the real party in interest.

9 Fed. R. Civ. P. 4(a)(1)(B) additionally provides that the summons be
10 directed to the defendant.

11 **II. STIPULATION**

12 The parties submit that Defendant Frederick Hammel be substituted in the
13 place and stead of Defendant CASEWORKER HAMMELL in the subject action.

14 This is based upon the following:

- 15 a. That Plaintiff's original and amended complaint(s) included a
16 Defendant named CASEWORKER HAMMELL because discovery and
17 conferring needed to determine the exact name of said caseworker.
18 b. That Plaintiff was able to determine that CASEWORKER HAMMELL
19 was Frederick Hammel. Plaintiff served Frederick Hammel with the
20 issued Summons and operative Complaint on September 14, 2020.
21 Proof of service was filed with this court on October 5, 2020. (*See* Doc.
22 No. 65.)
23 c. That to clarify the party identities, Defendant CASEWORKER
24 HAMMELL is Frederick Hammel, and is intended as Defendant
25 CASEWORKER HAMMELL in the subject action.
26
27
28

d. Plaintiff Gregory May has been advised of the stipulation, and assents to the same.

e. Thus, the parties agree that:

1. The operative complaint in this action shall be deemed amended to substitute Defendant CASEWORKER HAMMELL, with Defendant Frederick Hammel.
2. There has been no Answer filed for or on behalf of Defendant CASEWORKER HAMMELL, or substituted Defendant Frederick Hammel.
3. No other changes to the other named Defendants are contemplated via the instant stipulation.

DATED: March 3, 2021

DATED: March 3, 2021

/s/ Angela H. Dows
ANGELA H. DOWS, ESQ.
CORY READE DOWS & SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Attorney for Plaintiff

/s/ Alexander J. Smith
ALEXANDER J. SMITH, ESQ.
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
Attorneys for Defendants

IT IS SO ORDERED.

DATED this 5th day of March, 2021.



UNITED STATES MAGISTRATE JUDGE